

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BECTON DICKINSON AND COMPANY, *
Plaintiff, *

v. *

Civil Action No. 04-10574-JLT

THERASENSE, INC., *
Defendant. *

ORDER

August 10, 2004

TAURO, J.

For the reasons set forth in Defendant Therasense's Brief in Support of its Motion to Dismiss, Stay or Transfer Action Pursuant to Federal Rule of Civil Procedure 12(b)(1), 28 U.S.C. § 2201(a) and 28 U.S.C. § 1404(a) [#6] and in Defendant Therasense's Reply Brief in Support of Its Motion to Dismiss, Stay or Transfer Action Pursuant to Federal Rule of Civil Procedure 12(b)(1), 28 U.S.C. § 2201(a) and 28 U.S.C. § 1404(a) [#20], this court hereby orders that:

1. Defendant Therasense Inc.'s Motion to Dismiss, Stay or Transfer Action Pursuant to 28 U.S.C. § 2201(a) and 28 U.S.C. § 1404(a) [#5] is ALLOWED to the extent that the above-captioned action shall be transferred to the United States District Court for the Northern District of California.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge